

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for temporary)	DOCKET NO. 910935-EQ
close of standard offer contract)	ORDER NO. 25263
and for approval of a replacement)	ISSUED: 10/28/91
standard offer contract by Tampa)	
Electric Company.)	
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 MICHAEL MCK. WILSON

ORDER DELAYING EFFECTIVE DATE OF STANDARD OFFER

BY THE COMMISSION:

On August 9, 1991, we voted to designate Tampa Electric Company's avoided unit for purposes of pricing firm capacity and energy payments to small cogenerators and small power producers pursuant to standard offer contracts. The unit we selected consisted of a 75 MW block of combined cycle capacity which would come on line in 1997. Our decision is contained in Order No. 24989 issued on August 29, 1991, in Docket No. 910004-EU. On page seventy (70) of that Order, it is specified that Staff will administratively approve standard offer contracts if they conform to the mandates of the Order. The Order also provides that the effective date of the standard offer contract shall be September 20, 1991.

On September 6, 1991, prior to the effective date of the standard offer contracts, TECO filed a petition requesting closure of its standard offer contract, and consideration of a replacement standard offer. The principal ground for TECO's petition is that federal funds of \$120 million had recently become available to TECO for its use in building a state-of-the-art coal gasification power plant. Tampa Electric therefore developed a new power resource plan to include the integrated gasified combined cycle (IGCC) project which will be partially funded by the Federal Department of Energy. A comparison of the old plan and the new plan is provided in the following table:

DOCUMENT NUMBER-DATE

10742 OCT 28 1991

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Year	Old Plan	New Plan
1995	75 MW CT	150 MW Advanced CT
1996	75 MW CT	70 MW HRSG + Gasifier
1997	70 MW HRSG	-----
1998	75 MW CT	75 MW CT
1999	75 MW CT	75 MW CT
2000	70 MW HRSG	70 MW HRSG

Under the new plan, there is not a 1997 unit to be avoided by qualifying facilities and thus the earlier Commission-designated unit is inconsistent with Tampa Electric's revised resource plan.

Based upon its revised plan, on September 5, 1991, Tampa Electric Company filed a petition for a determination of need for a proposed electrical power plant. The petition is being considered in Docket 910883-EI with hearing dates set for December 10-11, 1991.

Our decision in TECO's need docket will directly affect the type and timing of future units that could potentially be avoided by qualifying facilities. Therefore, we believe that the effective date of Tampa Electric Company's standard offer contract should be stayed until the issues raised in Docket No. 910883-EI are resolved. We will require Tampa Electric Company to file a new standard offer contract upon resolution of Docket No. 910883-EI.

We base this decision on our belief that TECO's ratepayers will be harmed if a 75 MW plant is built that is not needed. We have also considered that potential benefit might accrue to the ratepayers if \$120 million in federal funds are obtained by TECO.

By this Order we are not taking affirmative agency action, but rather staying action that we had previously taken in Order No. 24989 which is not yet final (a Motion for Reconsideration of Order No. 24989 is pending). This stay will be temporary, as we expect TECO to be fully prepared to file a new standard offer contract after resolution of Docket No. 910883-EI. Nonetheless, as set forth below in the Notice of Further Proceedings or Judicial Review, we will afford affected parties the opportunity to a hearing. Unlike our Proposed Agency Action (PAA) process however, this Order will remain in effect, and will not become a nullity

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upon protest. Our stay in this docket, which will delay the effective date of TECO's standard offer contract, will remain in effect until resolution of any issues which may be raised by protesting parties. To allow otherwise, would risk harm to TECO's ratepayers.

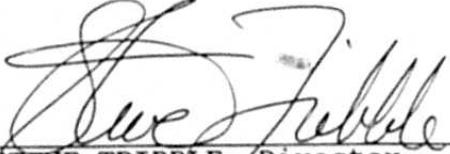
It is therefore

ORDERED by the Florida Public Service Commission that the effective date of Tampa Electric Company's Standard Offer Contract, as designated in Order No. 24989, is hereby stayed until after resolution of Docket No. 910883-EI by this Commission. It is further

ORDERED that Tampa Electric Company shall file with the Division of Records and Reporting of the Florida Public Service Commission, a new standard offer contract, within 14 days of the Commission's vote in Docket No. 910883-EI. It is further

ORDERED that this docket be closed automatically when the protest period has expired.

By ORDER of the Florida Public Service Commission, this
28th day of OCTOBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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910935.bmi

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as

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well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The Commission's decision on this matter will become final unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on 11/18/91.

In the absence of such a petition, this Order shall become final on the day subsequent to the above date.

Any objection or protest filed in this docket before the issuance date of this Order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this Order becomes final on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the date this Order becomes final, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.